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DE RUEHSB #0503/01 1700928  
ZNR UUUUU ZZH  
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FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC 4624  
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE  
RUEHUJA/AMEMBASSY ABUJA 2321  
RUEHAR/AMEMBASSY ACCRA 2896  
RUEHDS/AMEMBASSY ADDIS ABABA 3015  
RUEHRL/AMEMBASSY BERLIN 1447  
RUEHBY/AMEMBASSY CANBERRA 2278  
RUEHDK/AMEMBASSY DAKAR 2645  
RUEHKM/AMEMBASSY KAMPALA 3063  
RUEHNR/AMEMBASSY NAIROBI 5506  
RUEHGV/USMISSION GENEVA 2191  
RUZEHAA/CDR USEUCOM INTEL VAIHINGEN GE  
RUEAIIA/CIA WASHDC  
RUCPDO/DEPT OF COMMERCE WASHDC  
RUEHC/DEPT OF LABOR WASHDC  
RUEATRS/DEPT OF TREASURY WASHDC  
RHEFDIA/DIA WASHDC  
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK  
RUEKJCS/JOINT STAFF WASHDC  
RHEHAAA/NSC WASHDC

UNCLAS SECTION 01 OF 02 HARARE 000503

SENSITIVE  
SIPDIS

AF/S FOR B. WALCH  
DRL FOR N. WILETT  
ADDIS ABABA FOR USAU  
ADDIS ABABA FOR ACSS  
NSC FOR SENIOR AFRICA DIRECTOR M. GAVIN  
STATE PASS TO USAID FOR L.DOBBS AND E.LOKEN

E.O. 12958: N/A  
TAGS: [PHUM](#) [ASEC](#) [KDEM](#) [PGOV](#) [PREL](#) [ZI](#)  
SUBJECT: ATTORNEY GENERAL ORDERS ARREST OF SENIOR MDC OFFICIAL

REF: A. HARARE 466, B. HARARE 461

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SUMMARY  
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1. (SBU) Attorney General (AG) Johannes Tomana is continuing his pursuit of attorneys and MDC officials who seek to protect and defend the MDC officials who were abducted late last year. On June 16, at the behest of Tomana, senior MDC-T official Toendepi Shonhe was arrested on charges of perjury. Tomana contends Shonhe made false statements under oath in a high court hearing on June 6 when he testified that three MDC officials who had been abducted last year had been re-abducted on June 2. Separately, human rights lawyer Alec Muchadehama - responding to a summons issued by the AG - arrived at court to face charges of obstruction of justice on June 17 only to learn the AG's office wasn't yet ready to begin the trial. END SUMMARY.

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AG Orders Arrest, Denial of Bail for MDC Official  
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2. (SBU) Shonhe was summoned to the Harare central police station on June 16 where he was questioned; late in the day he was arrested on charges of perjury. The allegations stem from an affidavit Shonhe submitted in the High Court on June 6 that three MDC members, previously abducted and then released, had been re-abducted on June 2 (Ref A). The State contends the three were not re-abducted.

3. (SBU) Shonhe appeared before Magistrate Munyonga on June 17 where the prosecutors from AG Tomana's office opposed bail on grounds that Shonhe would interfere with witnesses. Prosecutors presented evidence from notorious policeman Detective Inspector Henry Dowa who said he wanted Shonhe to remain in custody until he

finished investigations, which he said would go on for an "unspecified" period. Defense lawyers Alec Muchadehama and Innocent Maja argued the AG's refusal to consent to bail was vindictive and intended to punish Shonhe for exposing the AG's illegal plan to force MDC abductees to testify falsely against their colleagues. On June 18, Magistrate Munyonga granted bail, but the prosecutor immediately filed notice that the AG would appeal, forcing Shonhe to remain in jail. Shonhe's supporters in the crowded courtroom collectively groaned in dismay when the prosecutor announced his intent to appeal.

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AG Targeting Human Rights Lawyers  
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14. (SBU) On June 16, human rights lawyer Innocent Chagonda told us that Tomana initially planned to arrest him and his law partner Chris Mhike in connection with their representation of MDC abductees Fanny Tembo, Lloyd Tarumbwa, and Terry Musona. Chagonda said that he wrote to Judge President Rita Makarau, who intervened and prevented the lawyers' arrest. Having failed to arrest Chagonda and prevented the lawyers' arrest. Having failed to arrest Chagonda and Mhike, Tomana settled for Shonhe.

15. (SBU) Separately, human rights lawyer Alec Muchadehama appeared in court on the morning of June 17, prepared to stand trial on obstruction of justice charges relating to the release on bail of of abductees Chris Dhlamini, Ghandi Mudzingwa, and Andrisson Manyere (Ref B). According to Muchadehama's attorney, Beatrice Mtetwa, on the morning of the trial the prosecutor arrived in court, said he wasn't ready for trial, and left. Mtetwa described the prosecutor's

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behavior as bizarre and a blatant violation of court procedure. The prosecutors have reportedly claimed they want to prosecute someone else along with Muchadehama.

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Comment  
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16. (SBU) Notwithstanding the formation of the inclusive government in February, ZANU-PF continues to use the AG's office to harass its opponents and to deny them their civil and political rights. By attacking the handful of human rights lawyers that are actively defending MDC officials and victims, the AG's office is continuing with its relentless attack on Zimbabwe's brave dissenting voices. This state of affairs will surely continue and possibly worsen unless there is full implementation of the Global Political Agreement, particularly the replacement of Tomana with an impartial Attorney-General. END COMMENT.

MCGEE